

Report on the

Board of Social Work Examiners

State of Alabama

Montgomery, Alabama

October 1, 2019 through September 30, 2021

Filed: December 24, 2021



Department of Examiners of Public Accounts

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Rachel Laurie Riddle, Chief Examiner



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Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Board of Social Work Examiners, Montgomery, Alabama, for the period October 1, 2019 through September 30, 2021. Under the authority of the ***Code of Alabama 1975***, Section 41-5A-19, I hereby swear to and submit this report to you on the results of the examination.

Respectfully submitted,

Charnelle Martin
Examiner of Public Accounts

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Department of **Examiners of Public Accounts**

SUMMARY

Board of Social Work Examiners October 1, 2019 through September 30, 2021

This report presents the results of an examination of the Board of Social Work Examiners (the “Board”) and a review of the Board’s compliance with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed to determine whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

The Board operates under the authority of the *Code of Alabama 1975*, Sections 34-30-1 through 34-30-58. By law, the Board licenses and regulates the practice of social work in Alabama.

The Board is comprised of seven members appointed by the Governor to three-year terms with service limited to two consecutive terms. Four members must be licensed certified social workers; two must be licensed graduate social workers; and one must be a licensed bachelor social worker. All must have rendered service, education, or research in social work. Not more than one member may serve from any United States Congressional District at the same time. At least one position on the board shall be represented by a person who is a member of a minority race.

The Executive Director is appointed by the Board and supervises the day-to-day operations of the agency. The Executive Director serves in the unclassified service of the State’s merit system.

The Board operates from a Special Revenue Fund 0363 maintained in the State Treasury. The Board's operating funds are derived from fees collected by the Board in carrying out its statutory mission. Unexpended balances in the Board's fund at year-end remains on hand for subsequent expenditure.

The Board owned nonconsumable personal property consisting of office furniture, computers, and equipment. Nonconsumable personal property in the custody of the Board was compared with property records maintained by the Property Inventory Control Division of the State Auditor's Office. One discrepancy was noted. See Finding 2021-004.

FINDINGS

The following instances of noncompliance with State laws and regulations and other matters were found during the examination as shown on the Schedule of State Legal Compliance and Other Findings and are summarized below.

- ◆ 2021-001 Relates to the Board not maintaining accurate meeting minutes.
- ◆ 2021-002 Relates to the Board allowing for a six-month extension for applicants to take the examination in conflict with the Board's administrative rule.
- ◆ 2021-003 Relates to the Board not E-Verifying or completing the Employment Eligibility Form (I-9) for one employee. This finding was reported in the prior examination as Finding 2019-001.
- ◆ 2021-004 Relates to the Board not reporting property items purchased to the State Auditor's office, Property Inventory Control Division.
- ◆ 2021-005 Relates to the Board not notifying the Secretary of State of vacancies on the Board.

EXIT CONFERENCE

Board Members and the Executive Director were invited to an exit conference held by telephone on December 6, 2021. Individuals in attendance were Robert McKinney, Board member; and Rachel Dickinson, Executive Director; along with Maria Catledge, Robin Hutcheson, and Charnelle Martin from the Department of Examiners of Public Accounts.

*Schedule of State Legal
Compliance and Other Findings*

Schedule of State Legal Compliance and Other Findings

October 1, 2019 through September 30, 2021

Ref. No.	Finding/Noncompliance
2021-001	<p><u>Finding:</u></p> <p>Thirteen board meeting minutes were reviewed. Eight of the thirteen minutes had the following errors:</p> <ul style="list-style-type: none">◆ The location of the meeting was not stated seven times.◆ The time of adjournment was not stated two times. <p>As a result, the Board's meeting minutes were not accurately maintained according to the <i>Code of Alabama 1975</i>, Section 34-25A-4.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-25A-4 states, "A governmental body shall maintain accurate records of its meetings, excluding executive sessions, setting forth the date, <u>time</u>, <u>place</u>, members present or absent, and <u>action taken</u> at each meeting. Except as otherwise provided by law, the records of each meeting shall become a public record and be made available to the public as soon as practicable after approval."</p> <p><u>Recommendation:</u></p> <p>The Board should maintain an accurate record of its meetings.</p>
2021-002	<p><u>Finding:</u></p> <p>The Board approved giving applicants with a provisional license a six-month extension to apply for licensure without amending the administrative rule setting the requirements for obtaining a license. As a result, applicants were allowed to continue to practice after the provisional license expired.</p> <p><i>Administrative Rule</i> 850-X-6-.03 states, "After an application is approved by the Board the applicant has <i>twelve months</i> from the date of application to test to become a licensed social worker." "After the expiration of twelve months from the date of the original application and if the applicant has not become licensed, the provisional license status is no longer active."</p> <p><u>Recommendation:</u></p> <p>The Board should not change the requirements of an administrative rule without formally amending them.</p>

Schedule of State Legal Compliance and Other Findings

October 1, 2019 through September 30, 2021

Ref. No.	Finding/Noncompliance
2021-003	<p><u>Finding:</u></p> <p>The Board did not verify an employee's employment eligibility through E-Verify or complete the Employment Eligibility Verification Form (I-9). As a result of the Board not verifying an employee's employment eligibility through E-Verify or completing the I-9 form the Board could hire and employ an unauthorized alien. This finding was reported in the prior examination as Finding 2019-001.</p> <p>The <i>Code of Alabama 1975</i>, Section 31-13-15(b) states, "Effective April 1, 2012, every business entity or employer in this state shall enroll in E-Verify and thereafter, <i>according to federal statutes and regulations governing E-Verify, shall verify employment eligibility of the employee through E-Verify.</i>"</p> <p>The Federal <i>Immigration Reform and Control Act of 1986</i> prohibits employers from hiring any individual, including a U. S. citizen, for employment in the U. S. without verifying his or her identity and employment authorization on Form I-9. Employers or their authorized representative must complete and sign the form within 3 business days of the employee's first day of employment.</p> <p><u>Recommendation:</u></p> <p>The Board should E-Verify and complete I-9 forms for all new employees within three business days of the employee's first day of employment.</p>

Schedule of State Legal Compliance and Other Findings
October 1, 2019 through September 30, 2021

Ref. No.	Finding/Noncompliance
2021-004	<p><u>Finding:</u></p> <p>The Board did not add the purchase of two laptop computers, with a total cost of \$3,060.50, to the Board's property inventory listing within 30 days of receiving the property. As a result, the laptops could be subject to loss or theft.</p> <p>The Office of the Alabama State Auditor's Property Inventory Manual states, "Within 30 days of receiving an item of furniture or equipment having a value of \$500 or more; any item deemed sensitive by Chief, Property Division, State Auditor's Office; and all weapons; by purchase, transfer from another agency, or donation, the Property Manager shall take the following actions:</p> <ul style="list-style-type: none">a. Assign a state property number. The property inventory control number consists of a two-digit agency prefix assigned by the Property Division, and a 6-digit number assigned by the agency.b. Affix a property inventory and bar code label to the item.c. Report receipt of the item to the State Auditor's Office using an automated system."<p><u>Recommendation:</u></p><p>The Board should assign property numbers, affix property labels, and report all items with a value of \$500 or more to the State Auditor's Office within 30 days of receiving the items.</p>

Schedule of State Legal Compliance and Other Findings

October 1, 2019 through September 30, 2021

Ref. No.	Finding/Noncompliance
2021-005	<p><u>Finding:</u></p> <p>The Board did not notify the Secretary of State of the expiration of two board members' terms that expired on September 30, 2021, and for one board member who resigned in August 2021. As a result, this could cause potential candidates not to receive sufficient notice and cause the Board not to receive input from all interested candidates to fill the vacancy.</p> <p>The <i>Code of Alabama 1975</i>, Section 36-14-17 (d)(1) states, "The chair of an existing board shall notify the Secretary of State by electronic means of a vacancy scheduled to occur on the board as a result of the expiration of a term at least 45 days before the vacancy occurs."</p> <p>The <i>Code of Alabama 1975</i>, Section 36-14-17(d)(2) states, "The chair of an existing board shall give electronic notification to the Secretary of State of each vacancy occurring as a result of a newly created board position and of every other vacancy occurring for any reason other than the expiration of a term as soon as possible and in any case within 15 days after the occurrence of the vacancy."</p> <p><u>Recommendation:</u></p> <p>The Board should notify the Secretary of State of vacancies at least forty-five days before a member's term expires and within fifteen days for all other vacancies.</p>

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Schedule of Cash Receipts, Disbursements and Balances
For the Fiscal Years Ending September 30, 2020 and 2021

	2020-2021	2019-2020
<u>Receipts</u>		
Licensing Fees	\$ 413,567.50	\$ 354,999.00
Prior Year Refunds	31.03	215.37
Total	<u>413,598.53</u>	<u>355,214.37</u>
<u>Disbursements</u>		
Personnel Costs	166,961.27	161,440.21
Employee Benefits	60,862.83	59,638.02
Travel, In-State	988.27	4,945.88
Repairs and Maintenance	1,082.15	927.23
Rentals and Leases	44,876.09	47,593.60
Utilities and Communications	9,914.15	9,464.90
Professional Services	16,759.98	26,818.79
Supplies, Materials, and Operating Expenses	4,935.21	5,573.24
Other Equipment Purchases	3,529.82	
Total	<u>309,909.77</u>	<u>316,401.87</u>
Excess of Receipts Over Disbursements	103,688.76	38,812.50
Cash Balances at Beginning of Year	<u>763,367.64</u>	<u>724,555.14</u>
Cash Balances at the End of the Year	867,056.40	763,367.64
Reserve for Unpaid Obligations	<u>(31,240.36)</u>	<u>(20,819.85)</u>
Unreserved Cash Balances at End of Year	<u>\$ 835,816.04</u>	<u>\$ 742,547.79</u>

Board Members and Official
October 1, 2019 through September 30, 2021

Board Members		Term Expires
Hon. Kai Mumpfield, LICSW	Member	2022
Hon. Dwan Madden, LMSW	Member	2023
Hon. Nicole Delee, LBSW	Member	2023
Hon. Robert McKinney, LICSW, MSW, Ph.D.	Member	2023
Hon. Angela Dean, LMSW	Member	2021
Hon. Marilyn Colson, LICSW	Member	2021
Hon. Octavio Ramirez, LICSW, DSW	Member	2022 (1)
Hon. Shea Cobb-England, LICSW	Member	2020
Hon. Valeri White, LBSW	Member	2020
Hon. Sharrie Cranford, LMSW	Member	2021 (2)
Hon. Amy Smith, LMSW	Member	2020

Official

Rachel Dickinson

Executive Director
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- (1) Resigned August 2021
(2) Resigned February 2020